

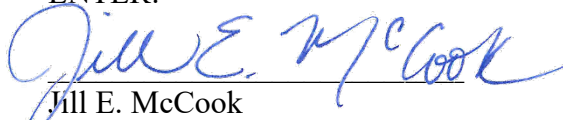
just failed to respond and produce documents requested” [*Id.* at 3]. Plaintiff seeks an order compelling Defendant Perez to respond to the RFPs within 21-days; it does not seek an award of attorneys’ fees [*Id.*].

No party has responded to the motion, and the time for doing so has passed. While this reason alone could call for the requested relief, *see* E.D. Tenn. L.R. 7.2 (“Failure to respond to a motion may be deemed a waiver of any opposition to the relief sought.”), the Court also finds Plaintiff’s request for an order compelling Defendant Perez to respond to the RFPs well taken because they are overdue. While Plaintiff did not meet and confer with Defendant Perez as required, *see* Fed. R. Civ. P. 37(a), the Court finds that under the circumstances, it would have been futile because Defendant Perez has not participated in this case [*see* Docs. 45 & 57] and has not responded to this motion. *See also Goodyear Tire & Rubber Co. v. Conagra Foods, Inc.*, No. 2:20-CV-6347, 2023 WL 5162655, at *3 (S.D. Ohio Aug. 11, 2023) (considering the defendant’s motion to compel even though the defendant did not engage in a discovery conference, explaining “that a conference would have been futile under the circumstances”).

The Court therefore **ORDERS** Defendant Perez to fully respond to Plaintiff’s First Request for Production of Documents in accordance with the Federal Rules of Civil Procedure **within 21 days** of entry of this Order. The Court **ADMONISHES** Defendant Perez that the failure to fully comply with this Order may lead to sanctions, up to and including entry of default. *See* Fed. R. Civ. P. 37(b)(2)(A) & (C). For the reasons explained herein, the Court **GRANTS** Plaintiff’s Motion to Compel [**Doc. 58**].

IT IS SO ORDERED.

ENTER:


Jill E. McCook
United States Magistrate Judge